

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14169US02)

In the Application of:

Jeyhan Karaoguz et al.

U.S. Patent: 7,787,419

Issue Date: August 31, 2010

Serial No.: 10/606,565

Filed: June 26, 2003

For: METHOD AND SYSTEM FOR
PROVIDING A MESH NETWORK USING
A PLURALITY OF WIRELESS ACCESS
POINTS (WAPS)

Examiner: Blanche Wong

Group Art Unit: 2476

Confirmation No. 4707

Transmitted via the Office electronic filing system November 1, 2010.

**APPLICATION FOR RECONSIDERATION OF THE
PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b)
INDICATED IN THE PATENT (37 CFR § 1.705(d))**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The Applicant respectfully requests reconsideration of the patent term adjustment indicated on the cover page of the patent ("the patent PTA decision"), to the extent indicated in the following discussion and the enclosed modified version of the current USPTO Patent Term Adjustment calculation on PAIR ("The Spreadsheet"). The spreadsheet and the total PTAs indicated in this paper also reflect aspects of the current USPTO Patent Term Adjustment calculation on PAIR that have already been the subject of an earlier request for recalculation under 37 CFR § 1.705(b).

This application for reconsideration of the patent PTA decision is being filed within two months after the patent issue date.

This application for reconsideration of the patent PTA decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the patent PTA decision includes below a statement of the facts involved in sufficient detail to allow the United States Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items that arose after allowance.

The Applicant's calculation shows that the correct patent term adjustment, accounting for previously disputed and presently disputed items, should be 1109 days.

The bases under § 1.702 and 37 CFR § 1.705(d) for the adjustment are as follows.

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 506 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 507 days, minus 0 days consumed by an appeal, for a net adjustment of 507 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was June 26, 2003,
- the third anniversary of the actual filing date was June 26, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on November 15, 2007,
- the first RCE was filed 507 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

Based on experience with other patent term adjustment calculations, the applicant understands the USPTO's position on this point to be that the patent

term adjustment under the Three Year Guarantee (35 USC § 154(b)(1)(B)) ends on the day before the first RCE is filed. The apparent rationale is that the day the RCE is filed is Day 1 that the patent term adjustment has stopped accumulating.

The applicant respectfully submits that this position is inconsistent with the statute and other USPTO calculations based on events that interrupt the accumulation of patent term adjustments.

First addressing consistency with the statute, the USPTO has determined that time for purposes of assessing a PTA is calculated in two ways: one way when the statute calls for calculation of a delay or interval between two events, and the other way when the statute calls for calculation of the number of days on which a proceeding is pending. This differentiation between the two calculations is understood to turn on the words of the statute. The only part of the statute that calls for a determination of the number of days on which a proceeding is pending is 35 USC § 154(b)(1)(C), which states:

35 USC § 154(b)(1)(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS.- Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to-

- (i) a proceeding under section 135(a);
- (ii) the imposition of an order under section 181; or
- (iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

To provide a simple example, if an appeal were filed on Monday and decided on Friday, the appellate review was pending on Monday, Tuesday, Wednesday, Thursday, and Friday, thus on five days.

In contrast, the part of the statute relevant to an RCE capping the accrual of a PTA under the three year guarantee is 35 USC § 154(b)(1)(B), which states:

35 USC § 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY.- Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including-

- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
- (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
- (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C),

the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

Reverting again to the above simple example, if an appeal were filed on Monday and decided on Friday, the "time consumed by appellate review" is calculated by setting Monday equal to Day 0, Tuesday equal to Day 1, Wednesday equal to Day 2, Thursday equal to Day 3, and Friday equal 4, thus an elapsed time of FOUR, days, not FIVE as in the preceding example that called for calculation of the number of days a proceeding was pending. In other words, "time consumed by appellate review" calls for the almost universal system for calculation of deadlines in courts and the USPTO, where the starting event from which the deadline is calculated is Day 0, and the succeeding days are assigned consecutive numbers until the day the deadline is reached.

The "time consumed by continued examination," like the "time consumed by [an appeal, an interference, or a secrecy order]," all under 35 USC § 154(b)(1)(B), is expressed in different words than "each day of the pendency of the proceeding order, or review," all under the provisions of 35 USC § 154(b)(1)(C), thus these two expressions in different parts of the same statutory section can be assumed to have different meanings as explained above.

In most situations, this is how the USPTO interprets the statute. For example, again based on USPTO petition practice experienced by the applicant, when a successful appeal is prosecuted in an application that was pending more than three years, the USPTO subtracts appeal time from accrual of time under the three year guarantee by treating the date the Notice of Appeal is filed as Day 0, the date n days later when the appeal decision is mailed as Day n, simply determines that the appeal has been pending for n days, and subtracts n from the accrued time under the 3-year rule. To calculate the PTA accrued due to the prosecution of a successful appeal, however, the USPTO treats the starting date as Day 1, the date n days later when the appeal decision is mailed as Day n + 1, and determines that there were n+1 days on which the appeal was pending, and that is the PTA for appeal delay.

Now addressing consistency with other calculations, the subtraction from the three-year guarantee for an RCE is based on 35 USC § 154(b)(1)(B)(i), which calls for a subtraction based on "(i) any time consumed by continued examination of the application requested by the applicant under section 132(b)." The subtraction from the three-year guarantee for an appeal is based on parallel language of 35 USC § 154(b)(1)(B)(ii), which calls for a subtraction based on "(ii) ... any time consumed by appellate review by the Board of Patent Appeals and Interferences." This parallel language calls for RCE subtraction and appeal subtraction to be based on the same method of time computation. But they are not.

As pointed out above, the filing date of an RCE is counted as Day 1 of reduction of PTA, so time stops accruing on the three-year guarantee the day before the RCE is filed. But the filing date of a Notice of Appeal is counted as Day 0 of reduction of PTA, so time stops accruing on the three-year guarantee the day the Notice of Appeal is filed. These positions are inconsistent interpretations of the same statutory language. The RCE computation is in error because the statute calls for routine computation of time in both situations, with the starting day of a period counted as Day 0, while the USPTO position is that the day the RCE is filed is Day 1.

Another example of an inconsistency resulting from ending the three-year delay the day before the first RCE was filed is the following. The patent term adjustment under the Three Year Guarantee permanently stops accruing or is "capped" in two situations: when the patent issues or when the first RCE is filed. Based on experience with other patent term adjustment calculations, the applicant understands the USPTO policy respecting issue of the patent is that the issue date of the patent is Day 0 that the patent term adjustment stops accruing. In other words, the PTA on this ground is capped on the day the patent issues, not the day before the patent issues. Exactly analogously to the issue date of the patent, the date an RCE is filed is a triggering event that caps the PTA. No reason is apparent why the issue date of a patent is Day 0 on which the PTA has been capped and the filing date of an RCE is day 1 after the PTA has been capped.

For these reasons, the USPTO policy for calculation of the effect of filing an RCE on accrual of the three-year guarantee is in error, and provides a PTA one day shorter than it should be. Correction is respectfully requested.

Reductions in Patent Term Adjustment

Three Months to Pay Issue Fee (37 CFR § 1.704(b))

The applicant is contesting the following application(s) of 37 CFR § 1.704(b) to reduce the patent term adjustment in the present application.

- The Notice of Allowance was mailed on March 26, 2010,
- The date three months after the mailing date of the Notice of Allowance is Saturday, June 26, 2010,
- The issue fee was paid on Monday, June 28, 2010,
- The reduction in the patent term adjustment proposed by the USPTO is 2 days,
- The Applicant's position is that the present issue fee paid on the first business day after a deadline falling on a weekend or holiday

is not late, establishing the correct reduction in patent term adjustment is 0 days.

The Applicant relies primarily on 37 CFR § 1.7(a), which states in relevant part: "When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday." Further, the statute corresponding to 37 CFR § 1.7(a), 35 U.S.C. § 21(b), states,

When the day, or the last day, for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or fee paid, on the next succeeding secular or business day.

37 CFR § 1.7(a) and 35 U.S.C. § 21(b) are applicable to the present facts because the last day set by statute (35 USC § 154(b)(2)(C)(ii)) for taking the action of filing a response to an Office action without being "deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application," falls on a Saturday, Sunday, or on a Federal holiday within the District of Columbia. See also 37 CFR § 1.6(a)(1), which states in relevant part, "The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia...."

Based on experience with other patent term adjustment calculations, the applicant understands the USPTO's position on this point to be that 35 U.S.C. 154(b)(2)(C)(ii) does not require that a reply be filed in the Office within its three month grace period, but simply specifies that there is a patent term adjustment reduction if a reply is not filed within this three month period. Therefore, the "carry-over" provision of 35 U.S.C. § 21(b) does not apply to the three month period in 35 U.S.C. 154(b)(2)(C)(ii).

First, the Applicant respectfully submits that the USPTO argument interprets "the last day [] for taking any action" under 35 U.S.C. § 21(b) inconsistently when determining the timeliness of the Office action response respecting the need for

- a PTA reduction, versus
- a fee and petition for extension of time for response outside the shortened statutory period for response.

In the case of assessing a PTA reduction, the USPTO argued in the other application that:

However, Applicant will note that 35 U.S.C. 154(b)(2)(C)(ii) [footnote omitted] does not require that a reply be filed in the Office within its three (3) month grace period, but simply specifies that there is a patent term adjustment reduction if a reply is not filed within this three (3) month period. Therefore, the "carry-over" provisions of 35 U.S.C. § 21(b) [footnote omitted] does not apply to the three (3) month period in 35 U.S.C. 154(b)(2)(C)(ii).

Since the reply is not "required" within three months, the USPTO held that 35 U.S.C. § 21(b) does not apply to make a response nominally due on Saturday timely on Monday.

But the USPTO reasons differently when determining whether a fee and petition for extension of time are owed for a response outside the shortened statutory period for response and short of the six-month absolute statutory deadline. For example, consider the 3-month shortened statutory period for response to an Office action. In that case, the USPTO "does not require that a reply be filed in the Office within its three (3) month grace period, but simply specifies that there is a [petition and fee for extension of time required] if a reply is not filed within this three (3) month period." Yet, when the Office action responses at issue are nominally due on Saturday but filed on Monday, in accordance with USPTO rules and policy, no petition or fee for extension of time is required. The deadline is carried over, by operation of 35 U.S.C. § 21(b), to the following business day.

The extension of time situation and the PTA reduction situation are exactly analogous, for purposes of the USPTO's argument: A response within three months is not required, although a response filed more than three months later results in a penalty. If a response is nominally due on Saturday, but filed the following Monday, no petition and fee for extension of time is required. Yet, in the same situation respecting the same Office action, a PTA reduction is assessed. To be consistent, however, the "last day [] for taking [] action" under 35 U.S.C. § 21(b) must be Saturday in each case, and carry over to Monday in each case.

The same reasoning applies to the deadlines for paying maintenance fees. The last day for paying the first maintenance fee without penalty is 3 ½ years after the patent issues. A fee can be paid later, up to four years after the patent issues, but a penalty is assessed for late payment. Yet, if the 3 ½ year deadline falls on a weekend or holiday, the payment is timely, and no fee is assessed, on the next business day.

In short, the USPTO applies the saving provision of 35 U.S.C. § 21(b) to other due dates that are not the final deadline for response, and does not apply the penalty for filing late when the nominal deadline is on a weekend or holiday and the response is filed on the next business day. Thus, to be consistent, and to correctly interpret 35 U.S.C. § 21(b), the same provision must be applied to the three-month due date for filing a response without losing days of PTA.

Second, the USPTO cannot reasonably take the position that the Applicant unreasonably delayed prosecution of the application by waiting from a weekend or holiday, when the USPTO is closed for business, until the next day when the USPTO is open for business, to file a response. Rule 1.6(a)(1) plainly states: "The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia." It is plainly inconsistent with this rule to require the Applicant to file correspondence on a Saturday to avoid losing part of the term of the patent.

Finally, there are at least two important policy reasons for allowing a response due on a Saturday, Sunday, or holiday to be filed on the next business

day without finding an unreasonable delay of prosecution. One reason is that the USPTO examining staff is not required to go to work and is almost entirely absent on those days, so it would be an empty gesture to require papers to be filed a Saturday, Sunday, or holiday, rarely to be read until the next business day. No delay of prosecution results. A second reason is that it is entirely reasonable for the Applicant to do no work and attend to his or her personal and family life on weekends, not an "unreasonable delay of prosecution." Those are the reasons why 35 U.S.C. § 21(b) was enacted, allowing that which is due on a Saturday, Sunday, or holiday to be filed on the next business day without a penalty. PTA is not really a different case, so it should be treated the same as extensions of time or the maintenance fee grace period.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the patent PTA decision are as follows:

Positive Patent Term Adjustment

- Three Year Guarantee
(35 USC § 154(b)(1)(B))

	Patent Term Adjustment (days)
USPTO Calculation	506
Applicant Calculation	507

Reductions in Patent Term Adjustment

- Three Months to Pay Issue Fee (37 CFR § 1.704(b))

	Patent Term Adjustment

	(days)
USPTO Calculation	2
Applicant Calculation	0

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1109 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: November 1, 2010

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PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No. 10/606,565

Docket No. 14:169US02

DATE	EVENT	USPTO CALCULATION		APPLICANT'S CALCULATION	
		PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
Tuesday, August 31, 2010	Patent Issue Date Used In PTA Calculation				
Thursday, August 05, 2010	Export to Final Data Capture				
Wednesday, August 04, 2010	Dispatch to FDC				
Wednesday, July 28, 2010	Mail-Petition Decision - Dismissed				
Wednesday, July 28, 2010	Petition Decision - Dismissed				
Wednesday, July 28, 2010	Adjustment of PTA				
Wednesday, July 28, 2010	Calculation by PTO				
Wednesday, July 28, 2010	Adjustment of PTA				
Wednesday, July 28, 2010	Calculation by PTO	15	15		
Tuesday, July 06, 2010	Application Is Considered Ready for Issue				
Tuesday, July 06, 2010	Mail Response to 312			9.00	
Tuesday, July 06, 2010	Amendment (PTO-271)				
Friday, July 02, 2010	Response to Amendment under Rule 312				
Monday, June 28, 2010	Issue Fee Payment Verified	2	2		
Monday, June 28, 2010	Amendment after Notice of Allowance (Rule 312)	9	9		
Monday, June 28, 2010	Issue Fee Payment Received				
Saturday, June 26, 2010	Three months after Allowance				

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	Petition Entered		
Friday, June 25, 2010	Finished Initial Data Capture		
Thursday, May 27, 2010	Mail Response to 312 Amendment (PTO-271)		
Thursday, May 27, 2010	Response to Amendment under Rule 312		
Wednesday, May 26, 2010	Amendment after Notice of Allowance (Rule 312)		10
Tuesday, May 18, 2010			
Thursday, May 13, 2010	Mail PUB other miscellaneous communication to applicant		
Wednesday, May 12, 2010	PUB Other miscellaneous communication to applicant		
Tuesday, March 30, 2010	Export to Initial Data		
Friday, March 26, 2010	Capture		
Thursday, March 25, 2010	Mail Notice of Allowance		
Thursday, March 25, 2010	Issue Revision Completed		
Thursday, March 25, 2010	Document Verification		
Thursday, March 25, 2010	Notice of Allowance Data		
Thursday, March 25, 2010	Verification Completed		
Thursday, March 25, 2010	Notice of Allowability		
Tuesday, March 23, 2010	Disposal for a RCE / CPA / R129		
Monday, March 22, 2010	Information Disclosure Statement considered		
Monday, March 22, 2010	Information Disclosure Statement (IDS) Filed		
Monday, March 22, 2010	Electronic Information Disclosure Statement		

		Request for Continued Examination (RCE)
Monday, March 22, 2010		Workflow - Request for RCE - Begin Export to Initial Data Capture
Monday, March 22, 2010		
Tuesday, March 02, 2010		
Wednesday, February 24, 2010		Mail Notice of Allowance
Wednesday, February 24, 2010		Issue Revision Completed
Wednesday, February 24, 2010		Document Verification
Tuesday, February 23, 2010		Notice of Allowance Data Verification Completed
Tuesday, February 23, 2010		Case Docketed to Examiner In GAU
Tuesday, February 23, 2010		Notice of Availability
Tuesday, February 16, 2010		Date Forwarded to Examiner
Thursday, February 11, 2010		Amendment after Final Rejection
Monday, December 21, 2009		Mail Final Rejection (PTOL - 326)
Thursday, December 17, 2009		Final Rejection
Wednesday, October 07, 2009		Date Forwarded to Examiner Case Docketed to Examiner In GAU
Wednesday, October 07, 2009		Response after Non-Final Action
Monday, September 14, 2009		Three months after Office action
Sunday, September 12, 2010		Mail Non-Final Rejection
Friday, June 12, 2009		Non-Final Rejection
Thursday, June 11, 2009		
Thursday, April 09, 2009		Date Forwarded to Examiner

		Response after Non-Final Action	
Tuesday, February 24, 2009		Mail Non-Final Rejection	
Monday, November 24, 2008		Non-Final Rejection	
Friday, November 21, 2008		Case Docketed to Examiner in GAU	
Sunday, October 05, 2008			
Tuesday, August 19, 2008		Date Forwarded to Examiner	
Tuesday, August 19, 2008		Date Forwarded to Examiner Disposal for a RCE / CPA / R129	
Tuesday, August 19, 2008		New or Additional Drawing Filed	
Monday, August 11, 2008		Amendment Submitted/Entered with Filing of CPA/RCE	
Monday, August 11, 2008		Request for Continued Examination (RCE)	
Monday, August 11, 2008		Workflow - Request for RCE - Begin	
Monday, August 11, 2008		Mail Final Rejection (PTOL - 326) Final Rejection	
Monday, June 09, 2008			
Monday, June 09, 2008			
Saturday, May 17, 2008		Date Forwarded to Examiner Response after Non-Final Action	
Monday, April 28, 2008		Request for Extension of Time - Granted	
Monday, April 28, 2008		Case Docketed to Examiner in GAU	
Friday, April 11, 2008			

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Friday, March 28, 2008	Three months after Office action	
Friday, December 28, 2007	Mail Non-Final Rejection	
Wednesday, December 26, 2007	Non-Final Rejection	
Tuesday, December 11, 2007	Date Forwarded to Examiner Response after Non-Final Action	
Friday, November 30, 2007	New or Additional Drawing Filed	
Friday, November 30, 2007	Mail Notice of Informal or Non-Responsive RCE Amendment	
Friday, November 23, 2007		
Wednesday, November 21, 2007	Notice of Informal or Non-Responsive RCE Amendment.	
Wednesday, November 21, 2007	Date Forwarded to Examiner	
Wednesday, November 21, 2007	Date Forwarded to Examiner Disposal for a RCE / CPA / R129	
Wednesday, November 21, 2007	New or Additional Drawing Filed	
Thursday, November 15, 2007	Amendment Submitted/Entered with Filing of CPA/RCE Request for Continued Examination (RCE)	
Thursday, November 15, 2007	Workflow - Request for RCE - Begin	
Thursday, November 15, 2007	PTA 36 Months	506
Wednesday, November 14, 2007		

Thursday, October 04, 2007	Case Docketed to Examiner in GAU	
Monday, August 20, 2007	Mail Final Rejection (PTOL - 326)	
Friday, August 17, 2007	Final Rejection	
Thursday, June 21, 2007	Date Forwarded to Examiner Response after Non-Final Action	
Wednesday, June 20, 2007		
Monday, April 16, 2007	Information Disclosure Statement considered	
Monday, April 16, 2007	Information Disclosure Statement considered	
Monday, April 16, 2007	Information Disclosure Statement considered	
Monday, April 16, 2007	Electronic Information Disclosure Statement	
Monday, April 16, 2007	Information Disclosure Statement (IDS) Filed	
Monday, April 16, 2007	Information Disclosure Statement (IDS) Filed	
Monday, April 16, 2007	Information Disclosure Statement (IDS) Filed	
Monday, April 16, 2007	Information Disclosure Statement (IDS) Filed	
Monday, April 16, 2007	Mail Non-Final Rejection	937
Wednesday, March 21, 2007		
Monday, March 19, 2007	Non-Final Rejection	
Tuesday, February 27, 2007	Case Docketed to Examiner in GAU	
Thursday, November 16, 2006	Case Docketed to Examiner in GAU	
Thursday, October 05, 2006	Case Docketed to Examiner in GAU	
Monday, June 26, 2006	Three year date	
Tuesday, March 21, 2006	Case Docketed to Examiner in GAU	

	Miscellaneous Incoming
<u>Friday, January 07, 2005</u>	Letter
<u>Thursday, August 26, 2004</u>	14 month date
<u>Tuesday, July 06, 2004</u>	TFW TSS Processing by Tech Center Complete
<u>Tuesday, June 29, 2004</u>	Case Docketed to Examiner in GAU
<u>Friday, April 30, 2004</u>	Transfer Inquiry to GAU
<u>Friday, February 27, 2004</u>	Case Docketed to Examiner in GAU
<u>Thursday, September 25, 2003</u>	Application Return from OIPE
<u>Thursday, September 25, 2003</u>	Application Return TO OIPE
<u>Thursday, September 25, 2003</u>	Application Is Now Complete
<u>Thursday, September 25, 2003</u>	Application Is Now Complete
<u>Wednesday, September 24, 2003</u>	Application Return TO OIPE
<u>Wednesday, September 24, 2003</u>	Application Return from OIPE
<u>Wednesday, September 24, 2003</u>	Application Return TO OIPE
<u>Wednesday, September 24, 2003</u>	Application Return from OIPE
<u>Wednesday, September 24, 2003</u>	Application Is Now Complete
<u>Wednesday, September 24, 2003</u>	Pre-Exam Office Action Withdrawn

Wednesday, September 24, 2003	Application Return TO OIPE Application Dispatched from OIPE		
Wednesday, September 24, 2003	Application Is Now Complete CASE CLASSIFIED BY OIPE		
Wednesday, September 10, 2003	Cleared by OIPE CSR		
Wednesday, September 10, 2003	TFW Scan & PACR Auto Security Review		
Tuesday, September 09, 2003	Initial Exam Team nn	-268	
Thursday, June 26, 2003	PTO Overlap		
		PTO (Days)	APPL (Days)
		1175	69
	>>>>		1106 Days
			PTA

10/606,565	SYSTEM AND METHOD FOR PROVIDING A MESH NETWORK USING A PLURALITY OF WIRELESS ACCESS POINTS (WAPS)	10-08-2010::12:50:25
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/606,565

Filing or 371(c) Date:	06-26-2003	Overlapping Days Between {A and B} or {A and C}:	268
Issue Date of Patent:	08-31-2010	Non-Overlapping USPTO Delays:	1175
A Delays:	937	PTO Manual Adjustments:	-15
B Delays:	506	Applicant Delays:	54
C Delays:	0	Total PTA Adjustments:	1106

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
139.5	11-14-2007	PTA 36 Months	506		0
139	08-31-2010	Patent Issue Date Used in PTA Calculation			0
138	08-05-2010	Export to Final Data Capture			0
137	08-04-2010	Dispatch to FDC			0
136	07-28-2010	Mail-Petition Decision - Dismissed			0
135	07-28-2010	Petition Decision - Dismissed			0
134	07-28-2010	Adjustment of PTA Calculation by PTO			0
134	07-28-2010	Adjustment of PTA Calculation by PTO	15		0
133	06-25-2010	Petition Entered			0
132	07-06-2010	Application Is Considered Ready for Issue			0
131	07-06-2010	Mail Response to 312 Amendment (PTO-271)			0
130	07-02-2010	Response to Amendment under Rule 312			0
129	06-28-2010	Issue Fee Payment Verified	2	116	
125	06-28-2010	Amendment after Notice of Allowance (Rule 312)	9	131	
124	06-28-2010	Issue Fee Payment Received			0
123	05-27-2010	Finished Initial Data Capture			0
122	05-27-2010	Mail Response to 312 Amendment (PTO-271)			0
121	05-26-2010	Response to Amendment under Rule 312			0

120	05-18-2010	Amendment after Notice of Allowance (Rule 312)	10	122
119	05-13-2010	Mail PUB other miscellaneous communication to applicant	0	
118	05-12-2010	PUB Other miscellaneous communication to applicant	0	
117	03-30-2010	Export to Initial Data Capture	0	
116	03-26-2010	Mail Notice of Allowance	0	
115	03-25-2010	Issue Revision Completed	0	
114	03-25-2010	Document Verification	0	
113	03-25-2010	Notice of Allowance Data Verification Completed	0	
112	03-25-2010	Notice of Allowability	0	
111	03-22-2010	Information Disclosure Statement considered	0	
106	03-22-2010	Information Disclosure Statement (IDS) Filed	0	
105	03-22-2010	Electronic Information Disclosure Statement	0	
104	03-22-2010	Request for Continued Examination (RCE)	0	
103	03-23-2010	Disposal for a RCE / CPA / R129	0	
102	03-22-2010	Workflow - Request for RCE - Begin	0	
101	03-02-2010	Export to Initial Data Capture	0	
100	02-24-2010	Mail Notice of Allowance	0	
99	02-24-2010	Issue Revision Completed	0	
98	02-24-2010	Document Verification	0	
97	02-23-2010	Notice of Allowance Data Verification Completed	0	
96	02-23-2010	Case Docketed to Examiner in GAU	0	
95	02-23-2010	Notice of Allowability	0	
91	02-16-2010	Date Forwarded to Examiner	0	
90	02-11-2010	Amendment after Final Rejection	0	
89	12-21-2009	Mail Final Rejection (PTOL - 326)	0	

88	12-17-2009	Final Rejection	0
85	10-07-2009	Date Forwarded to Examiner	0
84	09-14-2009	Response after Non-Final Action	2
83	10-07-2009	Case Docketed to Examiner in GAU	0
82	06-12-2009	Mail Non-Final Rejection	0
81	06-11-2009	Non-Final Rejection	0
77	04-09-2009	Date Forwarded to Examiner	0
76	02-24-2009	Response after Non-Final Action	0
75	11-24-2008	Mail Non-Final Rejection	0
74	11-21-2008	Non-Final Rejection	0
69	10-05-2008	Case Docketed to Examiner in GAU	0
68	08-11-2008	New or Additional Drawing Filed	0
67	08-19-2008	Date Forwarded to Examiner	0
66	08-11-2008	Amendment Submitted/Entered with Filing of CPA/RCE	0
65	08-19-2008	Date Forwarded to Examiner	0
64	08-11-2008	Request for Continued Examination (RCE)	0
63	08-19-2008	Disposal for a RCE / CPA / R129	0
62	08-11-2008	Workflow - Request for RCE - Begin	0
61	06-09-2008	Mail Final Rejection (PTOL - 326)	0
60	06-09-2008	Final Rejection	0
56	05-17-2008	Date Forwarded to Examiner	0
55	04-28-2008	Response after Non-Final Action	31
54	04-28-2008	Request for Extension of Time - Granted	52
53	04-11-2008	Case Docketed to Examiner in GAU	0
52	12-28-	Mail Non-Final Rejection	0

	2007		
51	12-26-2007	Non-Final Rejection	0
50	12-11-2007	Date Forwarded to Examiner	0
49	11-30-2007	Response after Non-Final Action	0
48	11-30-2007	New or Additional Drawing Filed	0
47	11-23-2007	Mail Notice of Informal or Non-Responsive RCE Amendment	0
46	11-21-2007	Notice of Informal or Non-Responsive RCE Amendment.	0
45	11-15-2007	New or Additional Drawing Filed	0
44	11-21-2007	Date Forwarded to Examiner	0
43	11-15-2007	Amendment Submitted/Entered with Filing of CPA/RCE	0
42	11-21-2007	Date Forwarded to Examiner	0
41	11-15-2007	Request for Continued Examination (RCE)	0
40	11-21-2007	Disposal for a RCE / CPA / R129	0
39	11-15-2007	Workflow - Request for RCE - Begin	0
38	10-04-2007	Case Docketed to Examiner in GAU	0
37	08-20-2007	Mail Final Rejection (PTOL - 326)	0
36	08-17-2007	Final Rejection	0
35	04-16-2007	Information Disclosure Statement considered	0
34	04-16-2007	Information Disclosure Statement considered	0
33	06-21-2007	Date Forwarded to Examiner	0
32	06-20-2007	Response after Non-Final Action	0
31.7	04-16-2007	Electronic Information Disclosure Statement	0
31	04-16-2007	Information Disclosure Statement (IDS) Filed	0
30.7	04-16-2007	Information Disclosure Statement (IDS) Filed	0
30	04-16-2007	Information Disclosure Statement (IDS) Filed	0

29	03-21-2007	Mail Non-Final Rejection	937	-1
28	03-19-2007	Non-Final Rejection		0
27	02-27-2007	Case Docketed to Examiner in GAU		0
26	11-16-2006	Case Docketed to Examiner in GAU		0
25	10-05-2006	Case Docketed to Examiner in GAU		0
24	03-21-2006	Case Docketed to Examiner in GAU		0
23	01-07-2005	Miscellaneous Incoming Letter		0
22	07-06-2004	IFW TSS Processing by Tech Center Complete		0
21	06-29-2004	Case Docketed to Examiner in GAU		0
20	04-30-2004	Transfer Inquiry to GAU		0
19	02-27-2004	Case Docketed to Examiner in GAU		0
18	09-25-2003	Application Return from OIPE		0
17	09-25-2003	Application Return TO OIPE		0
16	09-25-2003	Application Return from OIPE		0
15	09-25-2003	Application Is Now Complete		0
14	09-24-2003	Application Return TO OIPE		0
13	09-24-2003	Application Return from OIPE		0
12	09-25-2003	Application Is Now Complete		0
11	09-24-2003	Application Return TO OIPE		0
10	09-24-2003	Application Return from OIPE		0
9	09-24-2003	Application Is Now Complete		0
8	09-24-2003	Pre-Exam Office Action Withdrawn		0
7	09-24-2003	Application Return TO OIPE		0
6	09-24-2003	Application Dispatched from OIPE		0
5	09-24-2003	Application Is Now Complete		0

4	09-10-2003	CASE CLASSIFIED BY OIPE	0
3	09-10-2003	Cleared by OIPE CSR	0
2	09-09-2003	IFW Scan & PACR Auto Security Review	0
1	06-26-2003	Initial Exam Team nn	0

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